

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DENNIS NOLAND,

Petitioner,

v.

PAT HURLEY, Warden,

Respondent.

CASE NO. 2:05-cv-682

JUDGE MARBLEY

MAGISTRATE JUDGE ABEL

Order Requiring Status Report

On May 26, 2006, the instant habeas corpus proceedings were stayed so that petitioner could exhaust state court remedies by filing a delayed application to reopen the appeal in the state appellate court pursuant to Ohio Appellate Rule 26(B). Doc. No. 13. On that same date, petitioner filed a notice indicating that, on May 16, 2006, the appellate court denied his 26(B) application as untimely, and requesting that the Court reactivate proceedings. *See* Doc. No. 14. On June 9, 2006, this Court denied petitioner's request to lift the stay because he had forty-five days from the date of the appellate court's judgment entry dismissing his 26(B) application within which to file an appeal from the Ohio Court of Appeals' May 16, 2006 decision to the Supreme Court of Ohio. *See* Ohio Supreme Court Rule of Practice II, Section 2(A)(1)(a).

Petitioner Noland is ORDERED to file a report on the status of his appeal to the Supreme Court of Ohio within twenty-one (21) days of the date of this Order.

s/Mark R. Abel
United States Magistrate Judge